



Missouri
Department of
Natural Resources

DAM AND RESERVOIR SAFETY COUNCIL MEETING
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF GEOLOGY AND LAND SURVEY MULTIPURPOSE ROOM, ROLLA,
MISSOURI

March 8, 2006

The meeting was called to order by Mr. Frueh, Chairman.

Council members present were Gene Hites, Gerald Engemann, Ron Fox, Zoretta Schoonover and Jeff Cawlfeld. Members of the Water Resources Program (WRP) present were Jim Alexander, Tammy Theilen, Glenn Lloyd, Bob Clay, Kevin James, Amy Crews and Paul Simon. Representing the Attorney General's Office was Dan Massey, Assistant Attorney General and Mike Wells, Department Deputy Director.

INTRODUCTION OF GUESTS

Guests present were Clarence Schoonover; Mr. Don Willoh, Attorney General's Office; and Mark Adams, Kansas City Power and Light Company. Mr. Frueh invited questions and comments as they had input into the meeting.

MINUTES OF THE DECEMBER 22, 2005 COUNCIL MEETING

Mr. Frueh asked if anyone had any comments regarding the December 22, 2005 council meeting minutes. Mr. Fox made a motion to accept the minutes of the December 22, 2005 meeting as written. Mr. Hites seconded the motion and the motion passed.

STATUS OF PERMITS

The council was updated on the number of permits that the program has issued since the last meeting, the new dams that are currently under construction, and where the program stands with regard to bringing the total number of regulated dams into compliance.

DISCUSSION OF CURRENT AGRICULTURALLY EXEMPT DAMS

Mr. Alexander directed the council to a list of Agriculturally exempt dams in their packets. He reported that this list contained all of the dams that had been granted an exemption. He then showed a PowerPoint presentation containing pictures of each of the dams. Mr. Frueh asked the council if anyone had any comments. There were none.

PROPOSED CHANGES TO THE DAM SAFETY LAW

Mr. Alexander reported that each of the council members did have a copy of the proposed law change in their packets. He pointed out the highlighted areas in the proposed law change that he would be discussing with them. He explained the proposed changes to the definition of “dam”, discussed the possible elimination of the agricultural exemption, changes to the hazard classification system, the implementation of permit fees, the type of permits, the inspection of dams that currently fall under the Federal Power Act, and the requirement that all dams be registered.

Following his comments, Mr. Alexander asked if anyone had any comments or questions. Mark Adams, representing Kansas City Power and Light commented that there had been some publicity about one of their dams, the Montrose Dam. It has been singled out due to it being a 1200-acre reservoir that is not regulated. He commented that according to what was discussed at the meeting, this dam may not be regulated due to it not be considered a high or significant hazard class dam. Mr. Alexander replied that one of the things that the Dam Safety staff would be looking at, if the law changed, would be to see if that dam would fall into the significant hazard classification. If the failure of the dam would result in damage to significant infrastructure, the dam will be considered a significant hazard dam and be regulated under the proposed changes to the law. Nothing in the law states that these damages have to occur downstream of the dam. The Lake Montrose Dam provides cooling water for a coal-fire power plant. If the loss of the reservoir would mean that the power plant would have to shut down, the dam may qualify as a significant hazard dam.

There was some discussion of the rulemaking process and the council’s involvement in this process.

FY-2006 BUDGET

Mike Wells updated the council on the status of the FY-07 budget. The House Budget Committee went well and Senate hearings are underway. The proposed changes to the Dam Safety Law are still being considered in the Senate. Senator Engler is sponsoring SB1236 that would significantly increase the number of dams regulated in the state. He stressed that it is still too early to predict how this bill will turn out but the current outlook is positive. He stated that there would be a lot of work to be done if the new law is passed.

OTHER BUSINESS AND PUBLIC INPUT

Mr. Alexander advised the council that those members who are serving under an expired appointment and would like to remain on the council, needed to make sure that they contact the Governor’s Office to reapply.

DATE AND LOCATION OF NEXT COUNCIL MEETING

The next meeting of the Dam and Reservoir Safety Council will be June 14, 2006 at 10:00 a.m. at the Department of Natural Resources multi-purpose room in Rolla, Missouri.

VOTE TO GO INTO CLOSED SESSION AT THE BEGINNING OF THE NEXT MEETING

Mr. Cawlfild made a motion that the Dam and Reservoir Safety Council meet in closed session at 10:00 a.m. on June 14, 2006 at the next regular council meeting for the purpose of discussing

personnel actions, legal actions, causes of action, or litigation, confidential and privileged matters with the council's attorney, testing and examination, personnel records or applications or records which are otherwise protected from disclosure by law as provided for in Section 610.021, RSMo.

Mr. Fox seconded the motion.

Roll Call vote: Gene Hites, yes; Gerald Engemann, yes; Jeff Cawlfeld, yes; Ron Fox, yes; Zoretta Schoonover, yes. Motion carried to move into closed session at the meeting on June 14, 2006.

MEETING ADJOURNED

Mr. Cawlfeld made a motion to adjourn the meeting. Ms. Schoonover seconded the motion and it passed.

Respectfully Submitted,

Tammy Theilen